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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BLANCHARD, DAVID J	

ART UNIT	PAPER NUMBER
1642	7

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,187	KRIEG ET AL.	
	Examiner	Art Unit	
	David J Blanchard	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-77,85-94 and 98 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-77,85-94 and 98 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. It is acknowledged that applicant elected Group I, claims 1-77, 85-94 and 98 in paper # 16, however upon further consideration the restriction is vacated and a new restriction requirement follows:

2. Prior to setting forth the Restriction Requirement, it is pointed out that applicants have presented the instant claims in improper format. The claims are improperly joined, as the various groups indicated below appear to encompass distinct nucleic acid molecules and distinct antigens to such an extent that they are considered separately patentable. Therefore, the restriction will be set forth for each of the various groups, irrespectively of the improper format of the claims, because these are not proper groups.

3. This is a complex restriction and multiple elections are required. Applicant is required to elect:

a) one of inventions I-XLII as set forth on pages 3-11.

b) one of inventions (A)-(P) for X_1X_2 as set forth on pages 11-12.

c) one of inventions (A)-(P) for X_3 X_4 as set forth on pages 11-12.

d) one of inventions (AA)-(BI) if one of inventions XIX-XXVIII is elected.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 16-36, 77, 85-94 in part and claims 2-15 and 98 drawn to a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

II. Claims 1, 16-36, 77, 91-94 in part and claims 62-73 drawn to a method of stimulating an immune response with a TG immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

III. Claims 1, 37 in part and claims 38 and 39 drawn to a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid and exposing the subject to a peptide antigen, classified in class 514 subclass 2.

IV. Claims 1, 37 in part and claims 38 and 39 drawn to a method of stimulating an immune response with a TG immunostimulatory nucleic acid and exposing the subject to a peptide antigen, classified in class 514 subclass 2.

V. Claim 1 in part and claim 40 drawn to a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and re-administering the activated immune cell to the subject, classified in class 424 subclass 278.1.

VI. Claim 1 in part and claim 40 drawn to a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid

and re-administering the activated immune cell to the subject, classified in class 424 subclass 278.1

VII. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a viral antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 204.1.

VIII. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a viral antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 204.1.

IX. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a bacterial antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 234.1.

X. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a bacterial antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 234.1.

XI. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a parasitic antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 265.1.

XII. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a parasitic antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 265.1.

XIII. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a tumor antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 277.1.

XIV. Claim 1 and 43 in part and claims 40-42, 44 drawn to a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a tumor antigen and re-administering the activated immune cell to the subject, classified in class 424 subclass 277.1.

XV. Claim 1 and 76 in part and claim 45 drawn to a method of treating or preventing asthma with a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XVI. Claim 1 and 76 in part and claim 45 drawn to a method of treating or preventing asthma with a TG immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XVII. Claim 1 and 76 in part and claim 46 drawn to a method of treating or preventing allergy with a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XVIII. Claim 1 and 76 in part and claim 46 drawn to a method of treating or preventing allergy with a TG immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XIX. Claim 1 and 76 in part and claims 47 and 74 drawn to a method of treating or preventing cancer with a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XX. Claim 1 and 76 in part and claims 47 and 74 drawn to a method of treating or preventing cancer with a TG immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XXI. Claims 1 and 47 in part and claims 48-53 drawn to a method of treating cancer with an antibody and a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 174.1.

XXII. Claims 1 and 47 in part and claims 48-53 drawn to a method of treating cancer with an antibody and a TG immunostimulatory nucleic acid, classified in class 424 subclass 174.1.

XXIII. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with a chemotherapeutic agent and a Py-rich, classified in immunostimulatory nucleic acid, classified in class 424 subclass 181.1.

XXIV. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with a chemotherapeutic agent and a TG immunostimulatory nucleic acid, classified in class 424 subclass 181.1.

XXV. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with an immunotherapeutic agent and a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 277.1.

XXVI. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with an immunotherapeutic agent and a TG immunostimulatory nucleic acid, classified in class 424 subclass 277.1.

XXVII. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with a cancer vaccine and a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 184.1.

XXVIII. Claims 1 and 47 in part and claims 48-53 and 75 drawn to a method of treating cancer with a cancer vaccine and a TG immunostimulatory nucleic acid, classified in class 424 subclass 184.1.

XXIX. Claims 1 and 54 in part and claims 56 and 59 drawn to a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid and administering an antibody wherein the immune response results in antigen dependent cellular cytotoxicity, classified in class 424 subclass 130.1.

XXX. Claims 1 and 54 in part and claims 56 and 59 drawn to a method of stimulating an immune response with a TG immunostimulatory nucleic acid and administering an antibody wherein the immune response results in antigen dependent cellular cytotoxicity, classified in class 424 subclass 130.1.

XXXI. Claim 1 in part and claim 55 drawn to a method treating or preventing an infectious disease with a Py-rich immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XXXII. Claim 1 in part and claim 55 drawn to a method treating or preventing an infectious disease with a TG immunostimulatory nucleic acid, classified in class 424 subclass 278.1.

XXXIII. Claim 1 in part and claims 54, 56-61 drawn to a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a viral antigen, classified in class 424 subclass 229.1.

XXXIV. Claim 1 in part and claims 54, 56-61 drawn to a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a viral antigen, classified in class 424 subclass 207.1.

XXXV. Claim 1 in part and claims 54, 56-61 drawn to a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a bacterial antigen, classified in class 424 subclass 239.1.

XXXVI. Claim 1 in part and claims 54, 56-61 drawn to a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a bacterial antigen, classified in class 424 subclass 243.1.

XXXVII. Claim 1 in part and claims 54, 56-61, drawn to a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a parasitic antigen, classified in class 424 subclass 273.1.

XXXVIII. Claim 1 in part and claims 54, 56-61, drawn to a method of stimulating an immune response by administering a TG

immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a parasitic antigen, classified in class 424 subclass 273.1.

XXXIX. Claim 1 in part and claims 54-61 drawn to a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a fungal antigen, classified in class 424 subclass 274.1.

XL. Claim 1 in part and claims 54-61 drawn to a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a fungal antigen, classified in class 424 subclass 274.1.

5. For each of invention sets I-XL above, restriction to the following is also required under 35 USC 121. Therefore, election is required of one of inventions (A)-(P) for X_1X_2 **and** one of inventions (A)-(P) for X_3X_4. This is **not** a species election.

(A) TA
(B) TG
(C) TC
(D) AT
(E) AA
(F) AG
(G) AC
(H) CT
(I) CC
(J) CA
(K) GT
(L) GG
(M) GA
(N) GC

(O) CG
(P) TT

7. For each of invention sets XIX-XXVIII above, restriction to the following is also required under 35 USC 121. Therefore, election is required of one of inventions (A)-(P) for X_1X_2 **and** one of inventions (A)-(P) for X_3X_4 **and** one of inventions (AA)-(BI). This is **not** a species election.

(AA) biliary tract cancer
(AB) brain cancer
(AC) breast cancer
(AD) cervical cancer
(AE) choriocarcinoma
(AF) CNS cancer
(AG) colon cancer
(AH) connective tissue cancer
(AI) endometrial cancer
(AJ) eye cancer
(AK) gastric cancer
(AL) intraepithelial neoplasms
(AM) larynx cancer
(AN) lymphomas
(AO) Hodgkin's lymphoma
(AP) liver cancer
(AQ) lung cancer
(AR) melanoma
(AS) meuroblastomas
(AT) oral cancer
(AU) oral cavity cancer
(AV) ovarian cancer
(AW) pancreas cancer
(AX) prostate cancer
(AY) rectal cancer
(AZ) sarcomas
(BA) thyroid cancer
(BB) renal cancer
(BC) other carcinomas
(BD) other sarcomas
(BE) bone cancer
(BF) brain and CNS cancer
(BG) esophageal cancer

(BH) skin cancer
(BI) testicular cancer

8. Claims 1 links inventions I-XL. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim, claim 1. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowable linking claims is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

9. Claim 47 links inventions XIX-XXVIII. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim, claim 47. Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowable linking claims is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be

subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

10. The inventions are distinct, each from the other because of the following reasons:

Inventions (A)-(P) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions represent different polynucleotides. Therefore, where structural identity is required, such as for hybridization, the different sequences have different effects.

11. Inventions (AA)-(BI) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions represent characteristically different cancers, which have different effects, are patentably distinct and art on one would not be art on the others.

12. The methods of Groups I-XL differ in the method objectives, method steps and parameters and in the reagents used. The invention of Group I recites a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid. The invention of Group II recites a method of stimulating an immune response with a TG

immunostimulatory nucleic acid. The invention of Group III recites a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid and exposing the subject to a peptide antigen. The invention of Group IV recites a method of stimulating an immune response with a TG immunostimulatory nucleic acid and exposing the subject to a peptide antigen. The invention of Group V recites a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and re-administering the activated immune cell to the subject. The invention of Group VI recites a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and re-administering the activated immune cell to the subject. The invention of Group VII recites a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a viral antigen and re-administering the activated immune cell to the subject. The invention of Group VIII recites a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a viral antigen and re-administering the activated immune cell to the subject. The invention of Group IX recites a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a bacterial antigen and re-administering the activated immune cell to the subject. The invention of Group X recites a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a bacterial antigen and re-administering the activated immune cell to the subject. The invention of Group XI recites a method of

isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a parasitic antigen and re-administering the activated immune cell to the subject. The invention of Group XII recites a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a parasitic antigen and re-administering the activated immune cell to the subject. The invention of Group XIII recites a method of isolating an immune cell, activating the immune cell with a Py-rich immunostimulatory nucleic acid and contacting the cell with a tumor antigen and re-administering the activated immune cell to the subject. The invention of Group XIV recites a method of isolating an immune cell, activating the immune cell with a TG immunostimulatory nucleic acid and contacting the cell with a tumor antigen and re-administering the activated immune cell to the subject. The invention of Group XV recites a method of treating or preventing asthma with a Py-rich immunostimulatory nucleic acid. The invention of Group XVI recites a method of treating or preventing asthma with a TG immunostimulatory nucleic acid. The invention of Group XVII recites a method of treating or preventing allergy with a Py-rich immunostimulatory nucleic acid. The invention of Group XVIII recites a method of treating or preventing allergy with a TG immunostimulatory nucleic acid. The invention of Group XIX recites a method of treating or preventing cancer with a Py-rich immunostimulatory nucleic acid. The invention of Group XX recites a method of treating or preventing cancer with a TG immunostimulatory nucleic acid. The invention of Group XXI recites a method of treating cancer with an antibody and a Py-rich immunostimulatory nucleic acid. The

invention of Group XXII recites a method of treating cancer with an antibody and a TG immunostimulatory nucleic acid. The invention of Group XXIII recites a method of treating cancer with a chemotherapeutic agent and a Py-rich, classified in immunostimulatory nucleic acid. The invention of Group XXIV recites a method of treating cancer with a chemotherapeutic agent and a TG immunostimulatory nucleic acid. The invention of Group XXV recites a method of treating cancer with an immunotherapeutic agent and a Py-rich immunostimulatory nucleic acid. The invention of Group XXVI recites a method of treating cancer with an immunotherapeutic agent and a TG immunostimulatory nucleic acid. The invention of Group XXVII recites a method of treating cancer with a cancer vaccine and a Py-rich immunostimulatory nucleic acid. The invention of Group XXVIII recites a method of treating cancer with a cancer vaccine and a TG immunostimulatory nucleic acid. The invention of Group XXIX recites a method of stimulating an immune response with a Py-rich immunostimulatory nucleic acid and administering an antibody wherein the immune response results in antigen dependent cellular cytotoxicity. The invention of Group XXX recites a method of stimulating an immune response with a TG immunostimulatory nucleic acid and administering an antibody wherein the immune response results in antigen dependent cellular cytotoxicity. The invention of Group XXXI recites a method treating or preventing an infectious disease with a Py-rich immunostimulatory nucleic acid. The invention of Group XXXII recites a method treating or preventing an infectious disease with a TG immunostimulatory nucleic acid. The invention of Group XXXIII recites a method of stimulating an immune response by administering a Py-rich

immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a viral antigen. The invention of Group XXXIV recites a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a viral antigen. The invention of Group XXXV recites a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a bacterial antigen. The invention of Group XXXVI recites a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a bacterial antigen. The invention of Group XXXVII recites a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a parasitic antigen. The invention of Group XXXVIII recites a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a parasitic antigen. The invention of Group XXXIX recites a method of stimulating an immune response by administering a Py-rich immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a fungal antigen. The invention of Group XL recites a method of stimulating an immune response by administering a TG immunostimulatory nucleic acid, an antibody that results in antibody dependent cellular cytotoxicity and a fungal antigen. The examination of all Groups would require different searches in the U.S. Patent shoes and the scientific literature and would require the consideration of different patentability

issues. Thus, the inventions of Groups I-XL are separate and distinct in having different method objectives, method steps and parameters and in the reagents used, and thus, are patentably distinct.

11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

12. Applicant is advised that a complete reply to this requirement must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard, whose telephone number is (703) 605-1200. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (703) 308-3995. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 308-0196.

15. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 308-4242.

Respectfully,
David J. Blanchard
703-605-1200

ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600